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Dated: April 18, 2003

Name of Person Certifying:

Printed Name: Peggy Nichol

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

H. Michael SHEPARD

Assignee:

NewBiotics Inc.

Filing Date:

January 18, 2002

Examiner: Theodore J. Criares

Serial No.:

10/051,320

Group Art Unit: 1617

Title: METHODS TO TREAT AUTOIMMUNE AND INFLAMMATORY CONDITIONS

Commissioner for Patents Washington, D.C. 20231

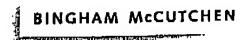
RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Dear Sir:

On March 21, 2003, a Requirement for Restriction under 35 U.S.C. § 121 was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A response is due by April 21, 2003. Accordingly this response is timely filed.

REMARKS

Claims 1 to 22 are pending in the subject application. Applicant elects with traverse to prosecute the invention of Group I, claims 1-19 as they read on rheumatoid arthritis. Claims I-13 and 16-19 read on the elected species.



Facsimile

DATE April 18, 2003

	NAME	FAX	PHONE
то	Examiner Theodore J. Criares	(703) 746-6897	
	Group Art Unit 1617		

FROM Antoinette F. Konski

(650) 849-4800

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Antoinette.konski@bingham.com

PAGES (INCLUDING THIS COVER PAGE): PAGES: 45 Application Serial No. 10/051,320

RE Response to Restriction Requirement Under 35 U.S.C. § 121

Message:

Bingham McCutchen LIP 1900 University Avenue East Pola Alto, CA 94303-2223

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TRANSMITTAL		Filing Date	January 18, 2002			
FORM		First Named Inventor	H, Michael Shepard			
		Group Art Unit	1617			
(to be used for all correspondence after initi	al filing)	Examiner Name	Theodore J. Criares			
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